

REMARKS

By the above actions, claims 9, 12, 13, 15-17, & 20 have been amended. In view of these amendments and the following remarks, further consideration of this application is requested.

Entry of this response is in order since it raises no new issues requiring further consideration and/or search since it is believed that, in the context of the claimed invention, the terms “front” and “rear” mean “exterior” and “interior” and since the follow remarks apply to the claims as finally rejected as well as to the claims as now presented.

The previous rejections have been withdrawn and new rejections implemented with primary reliance now being placed on the newly cited patent to Vatet when viewed in combination with the newly cited patents to Miele et al. and Riegler. It is believe that, if the Examiner gives the same open-minded consideration to the following remarks as was given to those which resulted in withdrawal the previous rejections, the current rejections will also be withdrawn.

With regard to the objections to the claims, the corrections required by the Examiner have been implemented above. Therefore, the objections to the claims should now be withdrawn.

Claims 9, 10, 13, & 15-21 have been rejected as being unpatentable over the Vatet patent when viewed in combination with the Miele et al. and Riegler patents. This rejection is inappropriate, with and without the above amendments, for the following reasons.

First, it appears that the Examiner may be treating the front wall as the interior wall and the rear wall as the exterior wall despite that fact that such is inconsistent with the disclosure. To insure that the claims are construed consistent with the disclosure, as noted above, the terms “front” and “rear” have been replaced by the terms “exterior” and “interior,” respectively.

Vatet merely discloses a masonry wall comprised of two brick walls with a space between them and in which porous plugs 5 are disposed for the purpose of removing liquid that accumulates in the space, the plugs dissolving upon contact with water to provide a path for egress of the water. There is no disclosure in this reference of anything having to do with insulation issues.

Miele shows a multi-layer construction, which in the Fig. 4 embodiment cited by the Examiner is comprised of a brick and mortar wall 16, 13, which would be the exterior layer, and insulation layer 12, a vapor barrier layer formed of aluminum sheet material 17 and a concrete block layer, which would be the interior wall (note that the blocks 10 are visible in the “rear” view of Fig. 3). The aluminum vapor barrier is not disclosed as being heat reflective and is on the interior/rear masonry wall instead of on the exterior/front masonry walls. Moreover, no stationary air layer exists, nor would one expect there to be such given that Miele discloses prefabricated building block units that are to be transported to a construction site (see, the first full paragraph of col. 4).

Riegler discloses in the cited Fig. 2 embodiment that is comprised of an outside wall that can be made of masonry, to which is applied an insulation layer 4 and an interior brick wall 2, dead air spaces being created between the interior masonry wall 2 and the insulation on the exterior masonry wall 5. No reflective layer is present and given that Riegler is specifically directed to an “insulation material” for use in such a configuration, one of ordinary skill would not think to apply Riegler’s teachings in a manner that would eliminate the very subject of his invention.

As for the Examiner’s proposed combination of these three references, apart from the point noted in the last sentence of the preceding paragraph, it is pointed out that the Examiner has ignored the fact that the aluminum vapor barrier is not disclosed as being in a heat reflective condition and is on the interior brick layer, between the brick layer and the insulation. This is directly contrary to the claimed arrangement which specifies that “a *stationary air layer* is formed filling a space defined *extending from said reflective layer on the [[front]] exterior masonry wall to the facing side of the [[rear]] interior masonry wall*, space being otherwise free of insulating materials” in that insulation exists between the aluminum vapor barrier and the air space and the aluminum vapor barrier is on the interior wall, not the exterior wall.

Plainly, no combination of these three references could lead one of ordinary skill to the present invention without impermissible reference to the disclosure of the present application. Even if, as contended by the Examiner, it would be obvious to provide a stationary (dead) air space between the masonry walls of Vatet based on the disclosure of

Riegler, given that both Riegler and Miele disclose use of an insulation layer 4/12, respectively on the inner wall, no reason would exist to eliminate the insulation which borders Riegler's dead air spaces. Furthermore, given that Miele teaches aluminum as a vapor barrier between an insulation layer and an inner masonry wall, elimination of the insulation would lead to elimination of the vapor barrier with which it is used and most certainly would not lead to transference of the vapor barrier aluminum from the interior wall to the exterior wall where it would serve no useful purpose given the presence of Vatet's dissolvable porous plugs in the exterior wall.

Accordingly, since no reasonable combination of these three references could lead one of ordinary skill to the present invention, withdrawal of the § 103 rejection based thereon is in order and is now requested.

Claims 9, 10, 12, 15 & 16 stated rejected under 35 USC § 103 as being unpatentable over Vatet when viewed in combination with Kotrotsios and Riegler. For the sake of brevity, the Examiner is requested to refer to the comments above with regard to the Vatet and Riegler disclosures. As for Kostrotsios, specifically the Fig. 12 embodiment thereof cited by the Examiner, it is not seen how this disclosure, no matter how it is viewed in conjunction with Vatet and Riegler could lead one of ordinary skill to the present invention.

In particular, the embodiment of Fig. 12 discloses external masonry that "is made up of a layer of common plaster with sand, at its internal side -1e-, of a layer of plaster board -2e-, of the liquid reflective insulating material, type A, in solid form -3e-, of the enclosed layer of air -4e-, of the supports of the plaster board -5e-, of the liquid reflective insulating material type B in solid form -6e-, of the reinforced concrete parapet -7e- and of a layer of common plastering with sand, at its external side -8e-." Thus, the inner wall is not a masonry wall and the layers 3e and 6e are made of an insulating material as are the supports 5e that extend between them and the material above and below each support.

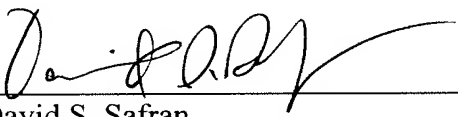
Riegler and Kotrotsios are two different versions of the same general type of construction. Kotrotsios eliminates the need for a vapor barrier by using a solid insulation and provides insulation on both sides of the dead air spaces as well as for the studs extending between the walls. Thus, neither adds anything relevant to the present invention that the other does not possess in a different form, and neither teaches the above quoted feature of the

present invention, in the case of Kotrotsios, the dead air space does not extend to one of the masonry walls and the space between the walls is not free of insulation materials. Furthermore, since Vatet requires a dissolvable plug in its exterior wall, as noted above, one would not want to cover the wall with a solid insulation layer as taught by Kotrotsios.

As such, this combination is as incapable of leading one of ordinary skill to the present invention as is the combination of Vatet with Miele et al. and Riegler. Therefore, this rejection should also be withdrawn.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

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